character. He has cited a large number of cases but there is very little in the text to indicate the particular principles of the law which those citations establish.

The author is not always happy and discriminating in his selection of definitions. For instance, in treating of fixtures he gives a definition found in the case of *Carlin* v. *Ritter*, 68 Md. 478, 6 Amer. St. Rep. 467, that "by the term fixture, in its legal sense, is meant something so attached to the realty as to become, for the time being, a part of the freehold, as contra distinguished from a mere chattel." The question of what is or what is not, a fixture was not before the court in that case. The question presented for decision was the right of a tenant, who had taken a new lease of the premises for a further term, to remove fixtures before the expiration of the new term, which he had annexed during the first term of his lease and which he might have removed before its expiration. The court held that he had abandoned to the landlord the fixtures previously annexed by taking a new lease. The decision did not call for any definition of a fixture. The character of the property in controversy was not in question. The definition must be read in the light of the question before the court for decision. It is a definition of an immovable fixture. We do not understand that the court held that the fixtures in question before they were abandoned were a part of the freehold and not mere chattels. If the question was presented to the Maryland court as to whether trade fixtures should be assessed as personal property belonging to the tenant or "a part of the freehold," we have no doubt that such fixtures were chattels.

The law governing fixtures is in a state of deplorable uncertainty and yet there are some questions fairly well settled, and one of them is, that not every fixture is a part of the freehold. Indeed in every case where the character of a given fixture is involved the very question to be decided is whether or not that particular fixture is movable or immovable, a chattel or a part of the realty. It is perhaps unfair to Mr. Boone to call attention to his treatment of the subject of fixtures. He devotes only seven sections to that particular subject. If he had taken all that space and given simply a clear definition, followed by a brief summary of the rules adopted by the courts to determine as between vendor and vendee, landlord and tenant, etc., what are regarded as movable or immovable fixtures in a given case, he would have had no space to spare and he could have claimed the merit at least of having erected a finger-post.

More than one-third of the text is given up to citations of authorities. This would greatly commend the work if the text had been well digested, but unfortunately you can seldom be at all certain what may or may not be found in any particular case cited. The work contains no table of cases and furnishes, therefore, no means of ascertaining whether a given case has been cited, or if cited, in what connection. The author is well qualified to give both the student and the bar a work upon the law of real property that would be far more satisfactory than the present treatise.

B. M. THOMPSON

THE CLERKS' AND CONVEYANCERS' ASSISTANT.–A collection of forms, etc., for the use of the Legal Profession, Business Men and Public Officers, with

copious instructions, explanations and authorities. By Benj. V. Abbott and Austin Abbott. Second edition, revised and enlarged by Clarence F. Birdseye. New York, Baker, Voorhis & Company (1899). One vol., pp. x, 1091, sheep, 8vo.

A book of forms is indispensable to the busy lawyer, and "Abbott's Assistant" has long been recognized as one of the best books of the kind. The present work is well filled with forms of all sorts which suggest to the discriminating and thoughtful counsel, learned in the law, appropriate expressions for use in framing nearly every variety of legal instrument.

"Business men" often draft such instruments for themselves—probably more often than a far-sighted economy would dictate—and it is unfortunate that books of this character, compiled by those whose professed aim is to assist them in such work, are often prepared with too little patient care.

It is precisely in regard to those instruments that business men are most likely to draft and execute without the advice of the legal profession, that many works of this sort are inaccurate, and it is to be regretted that this new edition of Abbott's Forms is not as reliable a guide as it should be.

For example, in the chapter on chattel mortgages, the "statutory provisions" of each state concerning such mortgages purport to be given, but the statements are incomplete, and in many instances erroneous.

There is no suggestion that in Illinois (p. 254) the mortgage shall be acknowledged by a resident mortgagor before a justice of the peace only (or, in certain cases, before the county judge), and one might naturally infer that it could be acknowledged before a notary public, especially as that official is named in the form of acknowledgment given for chattel mortgages (p. 250). Such an acknowledgment, however, by a resident mortgagor, is ineffectual under the statute: *Long* v. *Cockern*, 128 Ill. 29. No mention is made of the requirement in Illinois that a note secured by a chattel mortgage shall so state on its face, nor of the effect on the mortgage of a neglect to comply with this requirement: R. S. Ch. 95 § 25. No reference is made to the requirement in Ohio (R. S. § 4154) that there must be a "statement of claim" on the mortgage by the mortgagee, his agent or attorney, under oath, before the mortgage is filed; but the effects of an omission of this "statement" are serious: *Benedict* v. *Peters*, 58 Oh. St. 527.

It appears (p. 258) that there "are no special provisions [in Ohio] in regard to the foreclosure of chattel mortgages"—whereas it is provided, as in many other states, that certain chattel mortgages must be foreclosed in a Court of Record: 91 O. L. 339 (1894). The Ohio "statement of claim" is similar to the "affidavit of good faith" required in some states, for example, in California, Montana, Utah and Vermont, and while this important requirement is noted under each of the four states just named, it is with the important omission, as to each of them, that such affidavit must be by the parties, both mortgagor and mortgagee, or, in certain contingencies, by their agents; nor is the distinction noted between such states, where the affidavit must be by all the parties, and states where it must be by one only (*e. g.*, Washington). No mention is made in some cases (*e. g.*, Montana) of the necessity for acknowledgment. Indeed, no one can discover from these "statutory provisions" (pp. 253-261) in what states such a mortgage *must* be acknowledged, in what states it *may* be, and in what states an acknowledgment is of

no effect. Nor can he learn in what states a chattel mortgage is to be recorded, or transcribed *in extenso*, and in what states it is to be simply filed for preservation and inspection. It is stated, for example, that in Michigan and Kansas it "must be recorded" (pp. 254, 255), whereas in fact, in those states, it, or a copy of it, is to be filed simply; while it is said that in Ohio and Vermont it must be filed, whereas in Vermont it really must be recorded, and in Ohio, since 1878, it may be recorded; *Stevenson* v. *Colopy*, 48 Oh. St. 237. It may be observed that all of these points might have been noted without taking much space, for the change of a word would, in many instances, have been enough; but even if several lines were needed, they should, for the sake of accuracy, have been taken.

Under the title "acknowledgment" one might expect to find some of the errors and omissions just mentioned corrected and supplied, but, if so, he will be disappointed. Indeed, this chapter is not free from similar blemishes. For instance, the only Michigan form of a certificate of acknowledgment (p. 33) is inappropriate for Michigan, if not fatally defective, and the statute authorizing it was repealed over four years before this work was published. (Pub. Acts, 1895, No. 185.) The useful "American Bar Association Forms" of certificates of acknowledgment for an individual acting in his own right, by attorney, and for a corporation grantor, which have been adopted in Michigan and in five or six other states, are, by the way, not specially mentioned.

Nevertheless, in spite of such imperfections, this work is to be commended as one of the most useful collections of general forms; like any useful tool, it must be used by one who knows how to use it.

JAMES H. BREWSTER

NOTES ON THE UNITED STATES REPORTS.—A brief chronological digest of all points determined in the decisions of the Supreme Court, with notes showing the influence, following and present authority of each case, as disclosed by the citations, comprising all citing cases in that court, the intermediate and inferior federal courts, and the courts of last resort of all the states. By Walter Malins Rose. Twelve volumes and an Index. San Francisco: Bancroft-Whitney Co., 1899-1901.

This is a work made up of two leading features admirably united. It is, in the first place, a full and exhaustive digest of all of the points involved in all of the cases in the United States Supreme Court Reports from 2 Dallas to 172 U. S., chronologically arranged.

It gives, in the second place, all of the citations of each of these cases upon each of the several points involved in it, in all subsequent cases in the Supreme Court of the United States, all of the lower Federal courts, and the courts of last resort of all of the states and territories. This occupies twelve large volumes. The thirteenth volume is an index-digest of all this matter, referring both to the original volumes of reports and to the previous volumes of Notes, thus becoming at once not only an index to the reports themselves and valuable as such, but also the key to the wealth of citations grouped together in the previous volumes. This index follows the scheme of classification used in the Century Edition of the American Digest.

No mere statement of its contents can give any adequate idea of the enormous labor which the preparation of this work must necessarily have involved;